

KENNETH ROBERT SIMPSON,)
)
Movant,)
)
) No. 4:14CV392 RWS
)
UNITED STATES OF AMERICA,)
)
Respondent,)

Now movant has filed a second § 2255 motion arguing that his plea was involuntary because his attorney and I misled him and coerced him into pleading guilty. Before a second or successive § 2255 application can be filed in the district court, however, the applicant must first obtain permission in the Court of Appeals. See 28 U.S.C. § 2244(b)(3); § 2255(h). As a result, I will dismiss this action without prejudice.

Additionally, neither myself nor counsel for movant threatened or coerced him into pleading guilty. He did it knowingly and willingly. Now he has buyer's remorse and wishes he could take it back, but he cannot. His conviction is final, and the judgment in is § 2255 case is final.

Finally, movant has failed to demonstrate that jurists of reason would find it debatable whether the petition is successive. Thus, I will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that I will not issue a certificate of appealability.

A separate Order of Dismissal will be filed forthwith.

Dated this 7th day of March, 2014.

A handwritten signature in dark ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE